

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)

FRED HANEY, MARSHA MERRILL,	)	Civil Action No. 3:22-cv-00055-REP
SYLVIA RAUSCH, STEPHEN SWENSON,	)	
and ALAN WOOTEN, Individually and on	)	<u>CLASS ACTION</u>
Behalf of All Others Similarly Situated,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
GENWORTH LIFE INSURANCE	)	
COMPANY and GENWORTH LIFE	)	
INSURANCE COMPANY OF NEW YORK,	)	
	)	
Defendants.	)	
	)	
	)	

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**JOINT STIPULATION OF AMENDED SETTLEMENT AGREEMENT**

Upon the stipulation of Plaintiffs Fred Haney, Marsha Merrill, Sylvia Rausch, Stephen Swenson, and Alan Wooten (“Plaintiffs”) and Defendants Genworth Life Insurance Company and Genworth Life Insurance Company of New York (“Genworth”) (together, Plaintiffs and Genworth are referred to as the “Parties”), through their undersigned counsel, the Parties agree as follows:

WHEREAS, on April 1, 2022, the Parties entered into a Joint Stipulation of Class Action Settlement and Release (the “April 1, 2022 Settlement Agreement”) (ECF No. 28-1);

WHEREAS, on April 1, 2022, Plaintiffs filed a Motion to Direct Notice of the Proposed Settlement to the Class (ECF Nos. 26-28);

WHEREAS, on May 2, 2022, the Court issued an Order Granting Preliminary Approval of Settlement and Directing Notice to Class (ECF No. 31);

WHEREAS, on July 6, 2022, the Parties entered into an Amended Joint Stipulation of Class Action Settlement and Release (the “Amended Settlement Agreement”) with revisions to Paragraph 47(a) of the April 1, 2022 Settlement Agreement concerning the Release by Plaintiffs

and the Class (the “Release Provision”), now reflected in Paragraph 50(a) of the Amended Settlement Agreement, to be consistent with the final Release in *Halcom v. Genworth Life Ins. Co.*, No. 3:21-cv-00019-REP (E.D. Va.) (ECF No. 119);

WHEREAS, the Parties also amended the Class Notice attached as Appendix E to the April 1, 2022 Settlement Agreement to reflect the revisions made to the Release Provision in Paragraph 50(a) of the Amended Settlement Agreement, now also attached to the Amended Settlement Agreement as Appendix E;

WHEREAS, the rights and interests of the Class are not negatively impaired, altered, or otherwise adversely affected by the modifications made by the Amended Settlement Agreement to the April 1, 2022 Settlement Agreement preliminarily approved by the Court;

WHEREAS, counsel for the Parties hereby submit to the Court for approval the Amended Settlement Agreement, which modifies the Release Provision, adds corresponding Whereas Recitals,<sup>1</sup> and makes other non-material changes;

WHEREAS, counsel for the Parties hereby submit to the Court for approval for use in Class Notice, the amended Class Notice, attached to the Amended Settlement Agreement as Appendix E.

**THE PARTIES NOW HEREBY REQUEST AS FOLLOWS:**

1. The Court should find that the Amended Settlement Agreement (attached hereto as Exhibit A) supersedes and replaces the April 1, 2022 Settlement Agreement for all purposes, including for preliminary approval and use in Class Notice;

2. The Court should find that the Amended Settlement Agreement is the operative Settlement Agreement in the underlying action for all purposes, including final approval; and

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<sup>1</sup> The additional Whereas clauses resulted in a subsequent renumbering of paragraphs in the Amended Settlement Agreement.

3. The form Class Notice, attached to the Amended Settlement Agreement as Appendix E, should be approved by the Court and the Court should direct Notice be provided to the Class consistent with the Amended Settlement Agreement and the Class Notice attached thereto.

[signatures on next page]

DATED: July 6, 2022

/s/ Jonathan M. Petty

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DATED: July 6, 2022

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of July, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will send a notification of such filing to all counsel of record.

/s/

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